

GOVERNMENT OF ANDHRA PRADESH
ABSTRACT

AH, DD & F Department – Sri Meer Sujath Ali, Livestock Assistant (Rtd.), Sirsapally, Karimnagar District - Andhra Pradesh Administrative Tribunal, Hyderabad orders dated 27-4-2009 in OA No. 2912/2003 –Payment of Pension, gratuity and other pensionary benefits to Sri Meer Sujath Ali to the extent of service he has rendered and eligible as per Rule-45 of A.P. Revised Pension Rules, 1980 – Permission accorded – Orders – Issued.

ANIMAL HUSBANDRY, DAIRY DEVELOPMENT & FISHERIES (AH.II) DEPARTMENT

G.O.Ms.No. 6 ,

Dt.04- 03-2013

Read the following:-

1. Proceedings No.26812/G4/1997, dated 25-1-1999 of the Director of Animal Husbandry.
2. Andhra Pradesh Administrative Tribunal, Hyderabad orders in O.A.No.2912/2003, Dt.27-4-2009.
3. From the Director of Animal Husbandry, Hyderabad Lr.No.12283/VC/G3/2009, Dated 26-06-2009.
4. High Court of Andhra Pradesh Orders dated 3-3-2010 in W.P.M.P.No.5464/2010 in W.P.No.4218/2010.
5. Andhra Pradesh Administrative Tribunal, Hyderabad orders dated 19-03-2010 in C.A.No.28/2010 in O.A.No.2912/2003.
6. G.O.Ms.No.66, AHDD&F (AH-II) Department, dated 23.10.2010.
7. Government Memo No.3592/AH-II(2)/2009, dated 30-10-2010.
8. Interim Stay Orders dated 31-12-2010 of High Court of Andhra Pradesh in W.P.M.P.No. 42360/2010 in W.P.No.4218/2010.
9. Government Memo No.3592/AH-II(2)/2009, dated 07-04-2011.
10. Interim orders of Andhra Pradesh Administrative Tribunal, Hyderabad in O.A.No.2802/2011, dated 29-04-2011.
11. High Court of A.P. Orders dated 26-12-2012 in WVMP No.3725/2011 in WPMP No.42360/2010 in WP No.4218/2010.
12. From the Director of Animal Husbandry Lr.No.12283/VC/G3/2009, dated 08-02-2013 and 16-02-2013.

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ORDER:

Sri Meer Sujath Ali was appointed as Veterinary Compounder on 17-09-1959. On promotion as Livestock Assistant, he reported for duty at Rural Livestock Unit, Sirsapally on 26-05-1981. He applied leave on medical grounds from 04-07-1981 to 02-08-1981 and subsequently applied for voluntary retirement w.e.f. 04-07-1981 and since then not attended the duty with out any permission. His request for voluntary retirement was rejected by the Director of Animal Husbandry on grounds that he had not completed the minimum qualifying service of 20 years (excluding Extra Ordinary Leave) vide their proceedings No.60550/B8/83, dt.29-08-1983. For his unauthorized absence from duty disciplinary proceedings were initiated and Joint Director, Karimnagar was appointed as Enquiry Officer to conduct enquiry against Sri Meer Sujath Ali for his unauthorized absence from duty from 04-07-1981. The Enquiry Officer conducted enquiry and submitted his report stating that the charges framed against Sri Meer Sujath Ali were held proved. A show cause notice was also issued on 28-8-1998. Due to non availability of the Officer, the same show cause notice was published in the A.P. Gazette 3-12-1998. The Director of Animal Husbandry vide his proceedings No. 26812/G4/97, dt.25-01-1999 dismissed Sri Meer Sujath Ali from service.

2. Aggrieved by the dismissal proceedings, Sri Meer Sujath Ali approached the APAT and the Hon'ble APAT in its order in O.A.No.2912 of 2003, dt.27-04-2009 held that the proceedings of dismissal from service are liable to be set aside and accordingly the impugned order was set aside. The respondents were directed to pay pension, gratuity and other pensionary benefits to the applicant after obtaining permission from the relevant authorities as per rules.

3. The Director of Animal Husbandry have filed W.P No. 4218/2010 before Hon'ble High Court against the orders of Andhra Pradesh Administrative Tribunal dated 27-04-2009. Further, W.P.M.P. No.5464/2010 in W.P No.4218/2010 has also been filed in the Hon'ble High Court of A.P. The above W.P.M.P. has been dismissed by the Hon'ble High Court on 3-3-2010.

(p.t.o)

4. Aggrieved by non-implementation of APAT orders dated 27-4-2009, the individual has filed C.A.No.28/2010 in O.A.No.2912/2003 and the Tribunal in its order dated 19-03-2010, directed the respondents to implement the orders of the Tribunal.

5. As per the A.P. Revised Pension Rules, 1980, Government is only the competent authority to initiate the disciplinary proceedings against the retired Government servant. Since, Sri Sujath Ali retired on 31-08-1998, the Director of Animal Husbandry was instructed in G.O. 6th read above, to rescind the proceedings issued in reference 1st read above. Further, Government in the reference 7th read above, directed the Director of Animal Husbandry to calculate the eligible provisional pension which the individual is eligible and to pay the same to the individual from the date of superannuation, pending finalization of disciplinary action. The provisional pension has already been paid to him.

6. In the meantime, in W.P.M.P. No.42360 of 2010 in W.P.No.4218/2010 filed by Director of Animal Husbandry, the Hon'ble High Court has granted interim stay in C.A. No.28/2010 on 31.12.2010.

7. Further, in the reference 9th read above, Government have issued show cause memo to Sri Meer Sujath Ali through Director of Animal Husbandry for his unauthorized absence from 4-7-1981 to till his superannuation i.e. 31-08-1998 i.e. after more than 17 years which is time barred as per Pension Rules 1980. The individual has approached the Tribunal and filed another O.A.No.2802/2011. The A.P.A.T in its interim order dated 29.04.2011 suspended the impugned orders issued in the references 6th, 7th and 9th read above. (i.e., G.O.Ms.No.66, AHDD&F Department, dated 23.10.2010, Memo No.3592/AH-II(2)/ 2009, dated.30.10.2010 and Memo No.3592/AH-II(2)/2010, Dt.7.4.2011).

8. The Hon'ble High Court in its order dated 26.12.2012 in WVMP No.3725 of 2011 filed by the individual has vacated the stay granted in WPMP No.42360 of 2010.

9. In the reference 12th read above, the Director of Animal Husbandry has stated that, the Contempt case No.28/2010 in O.A. No.2912/2010 filed by Sujath Ali came up for hearing on 05.02.2013 and the Tribunal has directed to comply with the orders of Tribunal dated 27-4-2009, by 05-03-2013. Accordingly, the Director of Animal Husbandry has requested the Government to accord permission for payment of pensionary benefits to Sri Meer Sujath Ali, Livestock Assistant (Rtd), Karimnagar District.

10. Since initiation of disciplinary action at this late stage is not permissible as per Pension Rules 1980, the Government, after careful examination of the proposal of the Director of Animal Husbandry, in the light of Rule-9(2)(b)(ii) of A.P. Revised Pension Rules, 1980 and keeping in view of the stay vacated orders dated 26-12-2012 passed by the Hon'ble High Court and the orders of Tribunal dated 27-4-2009 passed earlier in O.A.No.2912/2010, hereby permit the Director of Animal Husbandry to pay pension, gratuity and other pensionary benefits to Sri Meer Sujath Ali to the extent of service he has rendered and eligible as per Rule-45 of A.P. Revised Pension Rules, 1980.

11. This order issues with the concurrence of the Finance (Pen-II) Department vide their U.O.No.288/35/A1/Pen-II/13, dated 2/3/2013.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

**MANMOHAN SINGH
PRINCIPAL SECRETARY TO GOVERNMENT**

To
The Director of Animal Husbandry, Hyderabad.
The Joint Director (AH), Karimnagar.
The individual through the Director of Animal Husbandry
The Accountant General, Andhra Pradesh, Hyderabad.
The Director, Treasuries & Accounts, Andhra Pradesh, Hyderabad.
The District Treasury Officer, Karimnagar District.
Sf/Sc.

//FORWARDED BY ORDER//

SECTION OFFICER